

JOE DONNELLY  
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July 20, 2007

Governor Mitch Daniels  
State of Indiana  
Statehouse  
Indianapolis, IN  
46204-2797

Dear Governor Daniels:

I am writing to get additional information regarding the decision to provide for large increases in allowable discharges of ammonia, sludge and particulates as the result of future expansion of the BP PLC Whiting refinery. I am very concerned about the potential damage to Lake Michigan.

I fully appreciate the potential economic benefits in job creation and infrastructure reinvestment that would come with the proposed refinery expansion. Unfortunately, I believe the decision to significantly increase pollutants allowed into the sole source of drinking water for millions, and a national treasure, is one that raises serious concerns about our ability to strike the appropriate balance between ensuring public and environmental health and growing our economy.

Like many of my constituents in Indiana's Second District, I was surprised to hear this week of IDEM's decision to approve permitting that would allow BP PLC to increase its discharge of ammonia by 54 percent and total suspended solids by 35 percent, and increase its discharge of particulate matter into the air by as much as four times the current limit. For communities near Lake Michigan, and I suspect most Hoosiers, the idea of approving increased pollution in a region trying hard to recover from decades of environmental neglect is of great concern.

We have to make tough decisions in order for us to achieve an energy independent future. I believe one component of a comprehensive strategy to reach this goal must be the long overdue expansion of domestic refinery capacity. To expect an increase in refining capacity to come without certain environmental tradeoffs may be unrealistic; however, by employing current and emerging technologies, I believe any expansion of domestic energy production can be carried out in a manner that makes every effort to minimize degradation of our environment.

I would appreciate an explanation of the decision-making process that resulted in the approval of the National Pollutant Discharge Elimination System permit recently issued

by IDEM that includes: environmental studies and impact statements, efforts incorporated by BP PLC and IDEM to minimize environmental degradation as a result of the proposed expansion, and criteria used to evaluate and approve the permit by both IDEM and U.S. EPA.

I am also concerned about whether the permit is consistent with federal environmental antidegradation laws outlined in Sec. 304(d)(4) of the Clean Water Act and 40 CFR 131.12 of U.S. EPA regulations. Additionally, I request that you explain the permit's compliance with 40 CFR 132 prohibiting mixing zones for bioaccumulative chemicals of concern, particularly mercury.

Finally, I urge you to reconsider whether an expansion of refining capacity at BP Whiting can be accomplished in a manner that better reduces negative impacts to the environment and surrounding communities. BP's corporate image is marketed worldwide as an energy company seriously committed to providing modern energy solutions that value our environment. I am encouraged to hear that BP has recently voiced a willingness to work further to reduce emissions at a reconfigured Whiting refinery and I hope that this would be the case.

As America works toward energy solutions for tomorrow, we must also renew our commitment to environmental stewardship. I believe these urgent goals are not mutually exclusive. I appreciate your efforts and look forward to hearing from you. Thanks so much.

Sincerely,

A handwritten signature in black ink, reading "Joe Donnelly". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Joe Donnelly  
Member of Congress

cc: Mr. Daniel Sajkowski, British Petroleum Whiting Refinery